

DEPARTMENT OF THE ARMY  
HEADQUARTERS US ARMY MATERIEL DEVELOPMENT AND READINESS COMMAND  
5001 Eisenhower Ave, Alexandria, VA 22333

DARCOM REGULATION  
No. 27-4

21 October 1980

Legal Services

COORDINATION OF DARCOM INTELLECTUAL PROPERTY MATTERS

This regulation may not be supplemented.

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1. Purpose. This regulation prescribes responsibilities and procedures for effecting maximum coordination of intellectual property matters (patents, copyrights, trademarks, trade secrets) within the US Army Materiel Development and Readiness Command (DARCOM).

2. Scope. This regulation applies to Headquarters, DARCOM; DARCOM major subordinate commands and to activities reporting directly to Headquarters, DARCOM that have research and development missions, paragraph 2 through 6, and to major subordinate commands and activities that do not have subordinate R&D missions, paragraph 7.

3. Responsibilities. a. The commander of each DARCOM major subordinate command, installation, and activity that has a research and development mission is responsible for assuring that the Government is protected and its rights secured in those inventions and other intellectual property rights resulting from research and development generated within or through his or her organization, so that materials and processes developed with Government funds are not made subject to royalty payments in their purchase and use cycles. Moreover, the Commander is also responsible for insuring the protection of valid contractor's rights in the same fashion. This reaffirmation of functional responsibility is particularly applicable when the inventions and other intellectual property rights are incident to or directly incorporated in military commodities or equipment.

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\*This regulation supersedes AMCR 27-4, 28 July 1971.

b. The commander of each installation and activity having a research and development mission that is not large enough to support a patent prosecuting activity within his/her organization will take the necessary steps to have his inventions protected through the use of prosecuting activities already established within DARCOM, in accordance with the procedures set forth in this regulation.

c. The commander of each major subordinate command having a significant research and development function in its overall mission will establish a patent counselor position in the legal Office and designate an attorney or adviser registered to practice before the United States Patent and Trademark Office to carry out the responsibilities associated therewith.

d. The commander of each installation or activity that has his or her patent prosecuting responsibility carried out by the patent activity of another installation or activity will establish a patent liaison function for the purpose of effecting coordination with the prosecuting activity.

4. Procedure. a. The patent counselor function of the major subordinate commands will include providing advice at the command level on intellectual property matters relating to supply and research and development contracts in accordance with the procedures and policies in section IX of the DARCOM Procurement Instruction and other procurement regulations and guidance from higher authority. This function also includes responsibility for the patent prosecution support required by a command's installations.

b. Each element supplying patent prosecution support for DARCOM installations and activities will insure that patent applications will be filed covering significant in-house and contractor inventions generated within the research and development area for which it has been given this responsibility.

c. The patent liaison function of each installation and activity receiving patent prosecution support will include serving as a source of contact and liaison for the supporting element with the inventors and project engineers on inventive matters generated through the installation or activity.

5. Intellectual property legal support. a. Headquarters, DARCOM, will furnish intellectual property support to those separate installations and activities reporting directly to Headquarters, DARCOM, that do not have a patent counselor function and that do not receive such support from other patent activities.

b. Research and development activities and test centers within major subordinate commands that require patent prosecution support will notify the patent counsel of their command of this need and also inform the Commander, DARCOM, ATTN: DRCGC-LO.

6. Patent prosecution workload report. a. A patent prosecution workload report (RCS-DRCGC-101) will be submitted monthly to the Commander, DARCOM, ATTN: DRCGC-LO. The report will cover calendar months and be forwarded to reach Headquarters, DARCOM, by the 10th day of the month succeeding the reporting month.

b. Where the reporting command supports other DARCOM commands/installations or activities that generate inventions, the reports will be broken down into the reporting organization's and supported organizations workload.

c. Required data are as follows:

(1) INVENTION DISCLOSURES.

(a) Disclosures on hand  
on first day of month. -----

(b) Disclosures received  
during reporting month. -----

(c) Disclosures closed during  
reporting month as:  
(i) Prepared Applications. -----  
(ii) Removals. -----

(d) Net disclosures on hand  
last day of month. -----

(2) PATENT APPLICATIONS.

(a) Applications pending  
first day of month. -----

(b) Applications filed  
during reporting month. -----

(c) Applications closed during  
reporting month as:  
(i) Issued Patents. -----  
(ii) Prosecution Terminations. -----

(d) Net applications on hand  
last day of month. -----

(3) PROSECUTION ACTIVITY

- (a) Amendments and other responses directed to Patent Office Examining Groups. ----
- (b) Interference papers directed to or for use in actions before the Board of Interference Examiners. ----
- (c) Appeal briefs and papers directed to Patent Office Board of Appeals. ----
- (d) Appeal briefs and papers directed to the Court of Customs and Patent Appeals. ----

7. Intellectual property legal support, non-R&D mission. a. The Commander of each DARCOM major subordinate command, installation and activity that does not have subordinate R&D missions but does require, on a regular basis, intellectual property legal support may establish a patent counselor function as defined in paragraph 3c to provide the required intellectual property legal support.

b. Headquarters, DARCOM, will furnish intellectual property support to the non-R&D subordinate commands, installations and activities that do not have subordinate R&D missions and do not have a patent counselor function.

The proponent of this regulation is the Office of the Command Counsel, HQ DARCOM, ATTN: DRCGC-L, 5001 Eisenhower Avenue, Alexandria, VA 22333.

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